

REMARKS/ARGUMENTS

In response to the Office Action dated March 28, 2005, claim 1 is amended. Claims 1-19 are now active in this application. No new matter has been added.

Claim 1 is amended for form by adding an "a" where needed and not to change the scope thereof.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

I. Claims 1, 2, 4, 5, 7, 8, 10, 11, 16, and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hayashi Patent (EP 0 953 826 A2).

Claims 3, 19, and 12 through 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi Patent (EP 0 953 826 A2) in view of Endo et al Patent (USPN 5,917,436).

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of Kabada et al (USPN 6,470,265).

II. The rejections are respectfully traversed.

Anticipation, under 35 U.S.C. § 102, requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983).

Applicants again note that, in the case of the present invention, in the vehicle navigation apparatus, when the image on the display screen is rotated (...display control section *that rotates the road map data image displayed* on an image screen of the image display section *in accordance with a traveling direction of the vehicle*" - see claim 1), such subject matter that the

surrounding region to the present position of the vehicle is clearly displayed and a remote region which is remote from the present position of the vehicle is displayed in an obscure form (for example, gradation, shading off, or so forth) when the vehicle is turned (including the vehicular curved road run) is provided in order not to give the vehicle driver a troublesome feeling when the whole image is rotated on the display screen. In more detail, in the case of the present invention, during the vehicular straight road travel state, both of the surrounding region of the present position of the vehicle and the remote region which is remote from the present position of the vehicle take the same display form, as appreciated from Fig. 5 of the present application. On the other hand, during the vehicular turn (including the curved road run), the image display form is differed between that of the surrounding region of the present position of the vehicle and that of the remote region which is remote from the present position of the vehicle so that no troublesome feeling is, as appreciated from Figs. 6 and 7-10 of the present application, given to the viewer (vehicle driver) during the vehicular turn (including the curved road run).

In contract, in Hayashi, a priority order is provided for the character information pieces and the character information pieces are selectively displayed on the image screen in order not for the character information pieces to be overlapped with each other. Hayashi provides no distinction between character information pieces that are near the present position and that are remote from the present position. Consequently, the disclosed manner in Hayashi of preventing overlap of character information during vehicle turn occurs regardless whether the character information pieces are close to the present position of the vehicle or remote from the present position of the vehicle. This is to be expected as the intent of Hayashi is preventing character information pieces to become overlapped with each other, no matter where they appear on the display.

The present invention defined in claim 1 and the disclosure of Hayashi are similar in that the display is switched along with the rotation of the road map image on the display screen. However, Hayashi merely teaches that the character information pieces are selectively displayed in order for the character information pieces not to be overlapped. Such a technical concept defined in the present claim 1 that, during the vehicular straight run, the same image display form is taken between the surrounding region to the present position of the vehicle and the remote region which is remote from the present position of the vehicle and the display image is switched to change the display form between the surrounding region to the present position of the vehicle and the remote region which is remote from the present position of the vehicle during the vehicular turn (including the vehicular curved road run) is not disclosed nor suggested in anywhere in the Hayashi

The above argued differences between the claimed apparatus vis-à-vis the apparatus of Hayashi undermine the factual determination that Hayashi identically describes the claimed inventions within the meaning of 35 U.S.C. § 102. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986). Applicants, therefore, submit that the imposed rejection of claims 1, 2, 4, 5, 7, 8, 10, 11, 16, and 17 under 35 U.S.C. § 102 for lack of novelty as evidenced by Hayashi is not factually or legally viable.

Endo et al. discloses the navigation apparatus displayed by the bird's eye view display. Although Endo et al. teaches a portion of executing perspective conversion operation and a portion of controlling so that overlap of character strings can be eliminated, Endo et al. does not teach the subject matter of the present invention described above. Thus, the invention recited in

claims 3, 19 and 12-15 does not result if the arrangement of Hayashi were combined with the teaching of Endo et al.

Kabada et al. discloses the method and apparatus for selecting an entry from a list of entries in a vehicle navigation system. Although Kabada et al. teaches that for each of the characters entered in the selection window, a first entry in the list of entries is highlighted, Kabada et al. does not teach or suggest the subject matter recited in claim 6.

III. To expedite prosecution, independent claims 1, 16 and 17 are amended to delineate that:

the displayed road map data image within the region of the road map data image which is near to the displayed position at which the vehicle is present is clearer than the other region of the road map data image which is remote from the displayed position at which the vehicle is present.

This subject matter is also recited in claim 2.

In view of the above, the allowance of claims 1-19, as amended, is respectfully solicited.

INTERVIEW OF APRIL 21, 2004

An interview was conducted with the Examiner on April 21, 2004, and the Examiner issued a PTOL-413 indicated that Hayashi and Tanaka do not teach "...varies the display form of the displayed road map data image ... when rotating the road map data image on the image screen displayed on the image display section."

Notwithstanding such statement, the Examiner now contends that Hayashi alone discloses this important feature by referring to Figs. 10B, 10 C, paragraph 0097, device 10 and paragraph 0037 of Hayashi. However, no explanation as to how the disclosure of Hayashi is interpreted as now meeting this portion of the claims is explained and a review of the reference

evinces that there is no difference in displaying character information pieces that are near the current position of the vehicle in order to prevent the character information pieces from being overlapped with each other from displaying character information pieces that are remote from the current position of the vehicle in order to prevent the character information pieces from being overlapped with each other.

Consequently, since the Examiner has changed his mind regarding his position expressed in the PTOL-413 dated April 21, 2004 regarding what Hayashi discloses without providing a reasonable explanation as to why, if the Examiner does not withdraw the rejection of the independent claims using Hayashi, it is requested that he provide a detailed explanation for the record as to how Hayashi discloses:

display control section that rotates the road map data image displayed on an image screen of the image display section in accordance with a traveling direction of the vehicle and *varies a display form of the displayed road map data image between a region of the road map data image which is near to a displayed position at which the vehicle is present and another region of the road map data image which is remote from the displayed position thereof when rotating the road map data image on the image screen displayed on the image display section.*

CONCLUSION

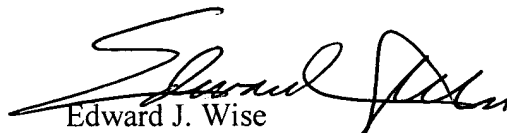
Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

Application No.: 10/070,951

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Edward J. Wise
Registration No. 34,523

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 EJW:cac
Facsimile: 202.756.8087
Date: June 28, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**